

REMARKS

Claims 10, 14-20, 23-35, were previously pending and claims 37 and 37 have been amended in this application.

Request for Entry Under 37 CFR 1.116

Entry of the present response under 37 CFR 1.11b is respectfully requested. The amendments to claims 37 and 38 made herein are those suggested by the Examiner's rejections thereof in the final Office Action. Moreover, the Applicant has not argued new or different subject matter, but rather has made the claims conform to the position taken all through this prosecution, but which the Examiner felt was unsupported by the claim language. Because no new issues are presented and the claims are thought to be allowable, as explained in detail below, entry is proper.

Rejections Under 35 U.S.C. § 102(e)

Claims 37 and 38 were rejected under 35 U.S.C. §102(e) as being anticipated, respectively, by U.S. Patent No. 6,144,408 to MacLean (hereinafter "*MacLean*") and by U.S. Patent No. 6,753,912 to Wayne (hereinafter "*Wayne*"). Claims 37 and 38 have been amended, overcoming these rejections.

Claim 37 as amended, separately recites, "a sample and hold circuit" and "an output circuit." Each of these circuits is then further defined in detail in the claim language. These circuits, as defined in the claim language are not found in *MacLean*.

The Examiner identifies all of Figure 4 of *MacLean* as the "sample and hold circuit" and also identifies all of Figure 4 of *MacLean* as the "output circuit." Such an interpretation of *MacLean* cannot support an anticipation rejection of claim 37 because that interpretation does not show the two circuits required by the claim, however they are not named and/or characterized, but rather only shows one circuit which the Examiner asserts possesses both functions. This is simply not currently as elaborated below. Moreover, the Examiner employs Figure 2 to illustrate the operation of the system of Figure 4 despite the explanation in *MacLean* that Figure 2 illustrates prior art, while Figure 4 illustrates *MacLean's* inventive system which operates differently. Figures 2 and 4 are not related to each other and not even compatible.

All of Figure 4 cannot be both the “sample and hold circuit” and the “output circuit” of claim 37. The claim recites two separate circuits and specifies them in detail. The Examiner has not been able to demonstrate how *MacLean* anticipates the claims, in every aspect of the recitations in the claim. For example, the claim calls for “a sample and hold circuit” having specified characteristics. Figure 4 does not include this element. No sample and hold is identified. Nor is the “one storage element” of the “sample and hold circuit” or its function identified in Figure 4 of *MacLean*. Memory 36 is described as storing images after correlated doubling sampling (CDS) is performed, not during a sample and hold function and not during CDS, when sampling and holding might logically be performed in systems having a sample and hold circuit (something this applicant does not concede is present in the system disclosed by *MacLean*). See col. 3, ll. 66-67. Analog processing block 32 is described to perform a differencing operation and the dark frame values 40 are inputs to the digital signal processor 38, not the memory 36. Therefore, memory 36 cannot be the claimed storage element. See col. 3, ll. 57-67. Because each and every element of claim 37 is not found in *MacLean*, the claim cannot be anticipated by *MacLean*.

Claim 38 as amended, specifically recites a particular sequence of sampling and holding values on one storage element representing incident light intensity and reference block levels. These two values are separately sampled and held on the storage element, not differences between them or other combinations. Yet, *Wayne* discloses first storing the intensity level on capacitor C1, followed by subtracting the reference black level from the intensity level stored on C1, the subtraction performed also on C1. *Wayne* does not show storing the intensity level of C1 followed by storing the reference black level on C1. See col. 4, ll. 29-37. The claimed sampling and holding is not disclosed by *Wayne*, and so the claim cannot be anticipated by *Wayne*.

Accordingly, withdrawal of these rejections is respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowability of claims 10, 14-20 and 23-35.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. Z2002-700719.

Respectfully submitted,
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